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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board ("Board") held a General meeting on June 26, 2008, at the Hilton Los Angeles Airport Hotel, Catalina C Room, 5711 West Century Boulevard, Los Angeles, California.

2. **ROLL CALL**

Alan J. Skobin, President of the Board, called the meeting of the Board to order at 10:08 a.m.

Present:	Ramon Alvarez C. (arrived 10:23 a.m.)	William G. Brennan, Executive Director
	Ryan L. Brooks (left at about 12:45 p.m.)	Howard Weinberg, General Counsel
	Robert T. (Tom) Flesh	Polly Riggerbach, Staff Counsel
	Sossi Keuylian	
	David C. Lizárraga	
	Haig Papaian	
	Alan J. Skobin	
	Glenn E. Stevens	

Absent: David W. Wilson

3. **PLEDGE OF ALLEGIANCE**

Mr. Brooks led the members and staff in the Pledge of Allegiance.

4. **INTRODUCTION AND WELCOME OF NEWLY RE-APPOINTED PUBLIC BOARD MEMBER, DAVID C. LIZÁRRAGA**

The members welcomed David C. Lizárraga, newly re-appointed Public Board Member, back to the Board. Mr. Lizárraga indicated that it was a pleasure to be back on the Board.

5. **APPROVAL OF THE MINUTES FROM THE MAY 2, 2008, GENERAL MEETING**

Mr. Papaian moved to adopt the May 2, 2008, General Meeting minutes. Mr. Flesh

seconded the motion. The motion carried unanimously.

6. **PRESENTATION OF RESOLUTION TO ROBERT BRANZUELA, FORMER DEALER BOARD MEMBER**

At the February 11, 2008, General Meeting, the members unanimously moved to present Robert Branzuela, former Dealer Member, with a resolution for his contribution to the New Motor Vehicle Board, to the motor vehicle industry, and to the people of the State of California. Mr. Brennan read the Resolution into the record. President Skobin and Vice President Flesh indicated that they would personally present the resolution to Mr. Branzuela who was unable to attend the meeting.

7. **ORAL ARGUMENTS BEFORE THE PUBLIC MEMBERS OF THE BOARD**

Mr. Flesh, Vice President, presided over Agenda Items 7-9. The Dealer Members did not participate in these items because they involve a dispute between a franchisee and franchisor.

- a. NICK ALEXANDER IMPORTS, a California corporation, d/b/a NICK ALEXANDER IMPORTS v. BMW OF NORTH AMERICA, LLC
Protest Nos. PR-2049-07 and PR-2062-07

Oral arguments were presented before the Public Members of the Board. No appearance was made on behalf of Protestant. Robert L. Ebe, Esq. of Nixon Peabody LLP represented Respondent.

Mr. Stevens indicated that Norris Bishton, counsel for Protestant, is a personal friend, and that if counsel for Respondent desired he would not participate in the matter. Mr. Ebe did not object to Mr. Stevens' participation.

- b. WALKER MANAGEMENT, INC., dba GOOD TIMES KAWASAKI SUZUKI DUCATI v. DUCATI NORTH AMERICA, INC.
Protest No. PR-2048-07

Oral arguments were presented before the Public Members of the Board. Michael M. Sieving, Esq. of the Law Offices of Michael M. Sieving represented Protestant. Dean Bunch, Esq. of Sutherland Asbill & Brennan LLP represented Respondent.

8. **CLOSED EXECUTIVE SESSION DELIBERATIONS**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

a. **CONSIDERATION OF RECOMMENDATION RE: PAYMENT OF ATTORNEY'S FEES**

NICK ALEXANDER IMPORTS, a California corporation, d/b/a NICK ALEXANDER IMPORTS v. BMW OF NORTH AMERICA, LLC
Protest Nos. PR-2049-07 and PR-2062-07

Consideration of the Administrative Law Judge's "Recommendation for Payment by Protestant Nick Alexander Imports, Inc. of Attorney's Fees and Costs of Respondent BMW of North America, LLC", by the Public members of the Board.

The Public Members of the Board deliberated in closed Executive Session. Mr. Papaian moved to adopt the Administrative Law Judge's "Recommendation for Payment by Protestant Nick Alexander Imports, Inc. of Attorney's Fees and Costs of Respondent BMW of North America, LLC". Mr. Lizárraga seconded the motion. The motion carried unanimously.

b. **CONSIDERATION OF PROPOSED DECISION FOLLOWING REMAND**

WALKER MANAGEMENT, INC., dba GOOD TIMES KAWASAKI SUZUKI DUCATI v. DUCATI NORTH AMERICA, INC.
Protest No. PR-2048-07

Consideration of the Administrative Law Judge's Proposed Decision Following Remand, by the Public Members of the Board.

The Public Members of the Board deliberated in closed Executive Session. Mr. Brooks moved to adopt the Administrative Law Judge's Proposed Decision Following Remand. Mr. Stevens seconded the motion. The motion carried unanimously.

9. **OPEN SESSION**

The Public Members returned to Open Session. Mr. Flesh thanked counsel for their comments and announced the decisions in Agenda Items 8(a) and (b).

10. **ANNUAL REVIEW OF THE BOARD'S MISSION AND VISION STATEMENTS - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Bill Brennan concerning the annual review of the Board's Mission and Vision Statements. Mr. Brennan indicated that the Mission and Vision Statements have been recognized by the Board since 2005. Furthermore, from the staff's perspective, Mr. Brennan indicated that the statements have

served the Board well and he does not have any recommendations to change the statements at this time. However, the staff was open to any Board Member recommendations or suggestions. There were no changes or additions suggested by the members of the Board.

11. **APPOINTMENT OF BOARD MEMBER DESIGNEE IN COMPLIANCE WITH THE BOARD'S 1997 "REVISED BOARD POLICY REGARDING REPRESENTATION IN COURT ACTIONS", BY ALAN SKOBIN, BOARD PRESIDENT - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Robin Parker concerning appointment of Board Member designee in compliance with the Board's 1997 "Revised Board Policy Regarding Representation in Court Actions" by the Board President. Mr. Skobin designated Tom Flesh, Vice President. Mr. Skobin indicated that it is the Executive Committee's belief that when a Dealer Member is the Board President, it is only those matters in which the Dealer Member would be disqualified from having heard in the first place that are being delegated. Furthermore, if you have a Dealer Member as Board President, and a Public Member as Vice President, then the designation should automatically go to the Vice President. Mr. Skobin requested that this matter be added to the list of "designated powers" for Executive Committee review.

12. **ANNUAL UPDATE CONCERNING THE BOARD'S COMPLIANCE WITH THE 1996 PERFORMANCE AUDIT CONDUCTED BY BUSINESS, TRANSPORTATION & HOUSING AGENCY, AND THE RESULTANT CORRECTIVE ACTION PLAN - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Robin Parker updating the corrective action taken for each audit finding, and a matrix providing the chronology for each. Mr. Brennan provided an overview of the Board's compliance with the Audit Findings and Corrective Action Plan. Mr. Flesh suggested that the Board needs an audit compliance officer. This suggestion will be addressed when the Executive Committee reviews the Board delegations.

13. **DISCUSSION AND CONSIDERATION OF WHO WILL ATTEND THE OUT-OF-STATE TRIPS FOR THE 1ST HALF OF FISCAL YEAR 2008/2009 THAT WERE PREVIOUSLY APPROVED BY THE BOARD - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Bill Brennan concerning who will attend out-of-state trips for the 1st half of fiscal year 2008/2009. Mr. Brennan reported that at the February 11, 2008, General Board meeting, the Board Members approved out-of-state travel plans for fiscal year 2008/2009. It was decided at the meeting that the Executive Committee would authorize individuals to attend. The staff proposed the following schedule:

- One trip to the National Judicial College in Reno, Nevada for Senior Staff Counsel

Robin Parker. Dispute Resolution Skills, July 21 – 24, 2008.

- One trip to the National Judicial College in Reno, Nevada for Administrative Law Judge Diana Hagle. Logic and Opinion Writing, August 18 – 21, 2008.
- Five trips to the National Association of Motor Vehicle Boards and Commissions Fall Workshop in Seattle, Washington, September 20 – 24, 2008. Requests are for three members of the Board (to be determined), the Executive Director Bill Brennan and the Staff Manager Dawn Kindel to attend.
- One trip to the National Judicial College in Reno, Nevada for Senior Staff Counsel Robin Parker. Civil Mediation, October 13 – 17, 2008.
- Two trips to the Recreation Vehicle Industry Association's 46th Annual National RV Trade Show in Louisville, Kentucky, December 2 - 4, 2008. Requests are for one Board Member (to be determined) and Executive Director Bill Brennan to attend.

Mr. Flesh moved to approve the staff recommendation. Mr. Lizárraga seconded the motion. The motion carried unanimously.

14. **STATUS REPORT CONCERNING MANUFACTURER AND DISTRIBUTOR COMPLIANCE WITH THE BOARD'S REQUEST THAT STATUTORILY MANDATED SCHEDULES OR FORMULAS BE FILED WITH THE BOARD (VEHICLE CODE SECTIONS 3064/3074, AND 3065/3075) - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Polly Riggenbach updating manufacturer and distributor compliance with the Board's request that statutorily mandated schedules or formulas be filed with the Board. Ms. Riggenbach reported that overall this year's response to the letters requesting compliance has improved significantly over last year. Furthermore, she reported that of the 245 manufacturers/distributors within the Board's jurisdiction, 54% or 131 have compliant filings. Additionally, 94 manufacturers/distributors have submitted filings which require additional information. Ms. Riggenbach indicated that there were still 19 companies that have yet to file any documents in response to the Board's correspondence. Mr. Brennan indicated that in December 2007, it was reported to the Board that only 13% of the manufacturers/ distributors had filings which complied with the Vehicle Code. Mr. Skobin requested that the staff send each of the Board Members a copy of the correspondence sent to the manufacturers and distributors.

15. **ANNUAL UPDATE ON STAFF TRAINING PROGRAMS ATTENDED BY SUPPORT PERSONNEL, COUNSEL, AND ADMINISTRATIVE LAW JUDGES - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum from Bill Brennan, Dawn Kindel, and Kathy Tomono updating the members on staff training programs attended by the Board's

staff including support personnel, counsel, and administrative law judges. Mr. Brennan stated that this is the annual update on the training programs that have been attended by all of the staff. Mr. Brennan reported that he encourages training to give the Board staff an opportunity to grow. Additionally, it helps the staff better perform their jobs and promotes cross-training. Mr. Flesh requested that Mr. Brennan be vigilant about future expenditures in light of the current economic environment. Mr. Lizárraga indicated that the Board should empower its staff and allow them to grow; investing in education and training is never a lost investment. Mr. Skobin commented that the funds for training are special fund revenues as opposed to general fund revenues. Mr. Lizárraga requested an answer to the inquiry posed by Mr. Skobin: "...the appropriateness of using special source funds, if you will, to train people with the intent of moving outside the scope of which those funds were used." Mr. Brennan indicated that the staff would address this issue and report back to the Board.

16. **REVIEW OF FORM LETTERS USED IN THE MEDIATION SERVICES PROGRAM - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Dawn Kindel concerning the form letters used in the Mediation Services Program. Mr. Brennan indicated that periodically the Board Members like to review the form letters being used in the mediation division. Furthermore, he indicated that there were 36 form letters used depending on the circumstances. Mr. Skobin indicated that he believed the letters were inappropriate because the Board has an obligation to inform a licensee that their participation in the program is voluntary. Additionally, Mr. Skobin indicated that the Board ought to encourage participation because it is often able to resolve disputes, avoid litigation and enhance customer perception and satisfaction. Several other members echoed Mr. Skobin's concern. Mr. Brennan indicated revised letters that address these concerns would be reviewed and considered by the Board at its next meeting.

17. **DISCUSSION CONCERNING GOODWILL LEMON LAW BUYBACKS AND THE BRANDING OF TITLES - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Dawn Kindel concerning goodwill Lemon Law buybacks and the branding of titles. Mr. Brennan reported that at the February meeting the question was posed as to whether or not titles are branded if the vehicle is reacquired as a goodwill gesture by the manufacturer. The answer to the questions is that the vehicle is still branded as a "lemon" under the Lemon Law requirements.

18. **BOARD MEMBER EDUCATION CONCERNING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, BAGLEY-KEENE OPEN MEETING ACT, POLITICAL REFORM ACT, AND PUBLIC RECORDS ACT - BOARD DEVELOPMENT COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Howard Weinberg along with a CD of reference materials pointing out the changes that have occurred to the

Administrative Procedure Act, Bagley-Keene Open Meeting Act, Political Reform Act and Public Records Act. The changes that may be of importance to the Board and its members were highlighted in the memo. Mr. Weinberg indicated that there were no changes that impacted the way the Board operates.

19. **CONSIDERATION OF NOMINEE FOR THE SOLON C. SOTERAS EMPLOYEE RECOGNITION AWARD RECIPIENT AS RECOMMENDED BY THE BOARD DEVELOPMENT COMMITTEE**

At the July 18, 2000, General Meeting, the members adopted an Employee Recognition Award Program to recognize staff for their accomplishments. The program was renamed the Solon C. Soteras Employee Recognition Award. The staff submitted employee nominations to the Board Development Committee, Ryan Brooks and Sossi Keuylian, who ultimately recommended Dan Strike as the Employee Recognition Award recipient. Mr. Strike is an Office Assistant in the Consumer Mediation Services Program. Mr. Brooks moved to adopt the Committee's recommendation. Mr. Lizárraga seconded the motion. The motion carried unanimously.

20. **BOARD FINANCIAL CONDITION REPORT FOR THE 2ND AND 3RD QUARTERS OF FISCAL YEAR 2007-2008 - FISCAL COMMITTEE**

This matter was postponed until later in the meeting.

21. **REPORT ON STEPS THE BOARD IS TAKING TO REDUCE EXPENDITURES IN LIGHT OF GOVERNOR SCHWARZENEGGER'S EXECUTIVE ORDER S-01-08 - FISCAL COMMITTEE**

This matter was postponed until later in the meeting.

22. **STATUS REPORT CONCERNING THE BOARD'S COLLECTION OF THE ARBITRATION CERTIFICATION PROGRAMS' ANNUAL FEE - FISCAL COMMITTEE**

This matter was postponed until later in the meeting.

23. **DISCUSSION AND CONSIDERATION OF THE BOARD'S PROPOSED BUDGET FOR THE NEXT FISCAL YEAR, AND WHETHER ANY DEALER/MANUFACTURER FEE ADJUSTMENTS ARE NECESSARY - FISCAL COMMITTEE**

The members were provided with a memorandum from Bill Brennan concerning the Board's proposed budget for the next fiscal year. Prior to the discussion, Mr. Flesh moved to adopt the proposed budget. Mr. Stevens seconded the motion. Mr. Brooks reported that during a conference call with Mr. Alvarez C. and Mr. Brennan, he requested that Mr.

Brennan investigate purchasing a building versus renting a building. Mr. Brennan reported that the Board recently signed an 8-year lease with almost seven years remaining on the lease. Furthermore, the new owners of the building are proposing a substantial remodel and the Board's current lease is at a very competitive rate in regards to the surrounding community. Lastly, Mr. Brennan indicated that he is working through the DMV concerning whether the Board could buy a building. The motion to adopt the proposed budget carried unanimously.

24. **REPORT ON CASE MANAGEMENT SURVEY RESULTS - POLICY AND PROCEDURE COMMITTEE**

This matter was postponed until later in the meeting.

25. **CONSIDERATION OF DESIGNATION OF ALTERNATE LAW AND MOTION ADMINISTRATIVE LAW JUDGES IN THE EVENT OF ALJ SKROCKI'S UNAVAILABILITY - POLICY AND PROCEDURE COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Robin Parker concerning the designation of an alternate Law and Motion ALJ in the event ALJ Skrocki, the designated Law and Motion ALJ, is unavailable. Mr. Brennan reported that Judge Skrocki has functioned as the Board's exclusive law and motion judge since 2004. Furthermore, Judge Skrocki is very competent and capable in this capacity, and the Board has benefitted from his services for numerous years. So, in terms of redundancy, Mr. Brennan indicated that in the event Judge Skrocki is unavailable the staff would like authorization to have other ALJs handle the law and motion matters. The staff is recommending that the Board designate Marilyn Wong, Mandatory Settlement Conference ALJ, and the Merits ALJs (Archibald, Hagle, and Prod) to serve as alternate Law and Motion ALJs in the event ALJ Skrocki is unavailable. Additionally, all of the ALJs, excluding ALJ Rigenbach, would be assigned to an "Alternate Law and Motion ALJ Assignment Log". Upon completion of ALJ Linda Waits' training, she would be added to this assignment log as well. Mr. Flesh moved to adopt the staff recommendation. Ms. Keuylian and Mr. Stevens seconded the motion. The motion carried unanimously.

26. **DISCUSSION CONCERNING PENDING LEGISLATION - POLICY AND PROCEDURE COMMITTEE**

- a. Pending Legislation that impacts the Board.
 - (1) Assembly Bill 2272 (Assembly Member Fuentes)
- b. Pending Legislation of general interest.
 - (1) Assembly Bill 865 (Assembly Member Davis)
 - (2) Assembly Bill 1939 (Assembly Member DeSaulnier)
 - (3) Assembly Bill 2116 (Assembly Member Portantino)
 - (4) Assembly Bill 2241 (Assembly Member Saldana)
 - (5) Assembly Bill 2388 (Assembly Member Feuer)
 - (6) Assembly Bill 2436 (Assembly Member Emmerson)

- (7) Assembly Bill 2976 (Assembly Member Keene)
- (8) Senate Bill 60 (Senator Cedillo)
- (9) Senate Bill 364 (Senator Simitian)
- (10) Senate Bill 1374 (Senator Battin)
- (11) Senate Bill 1377 (Senator Scott)
- (12) Senate Bill 1417 (Senator Hollingsworth)
- (13) Senate Bill 1494 (Senator McClintock)

- (14) U.S. House of Representatives Bill 1015 (U.S. Representative Capuano)
- (15) U.S. House of Representatives Bill 1029 (U.S. Representative Stearns) – “Damaged Vehicle Information Act”
- (16) U.S. House of Representatives Bill 1915 (U.S. Representative Castle) – “American Automobile Industry Promotion Act of 2007”
- (17) U.S. House of Representatives Bill 1920 (U.S. Representative Inslee) – “Health Care for Hybrids Act”
- (18) U.S. House of Representatives Bill 2513 (U.S. Representative Hall)
- (19) U.S. House of Representatives Bill 5312 (U.S. Representative Sanchez) – “Automobile Arbitration Fairness Act of 2008”
- (20) U.S. Senate Bill 545 (U.S. Senator Lott) – “Passenger Vehicle Loss Disclosure Act”
- (21) U.S. Senate Bill 767 (U.S. Senator Obama) – “Fuel Economy Reform Act”
- (22) U.S. Senate Bill 1055 (U.S. Senator Biden) – “American Automobile Industry Promotion Act of 2007”
- (23) U.S. Senate Bill 1151 (U.S. Senator Obama) – “Health Care for Hybrids Act”

This matter was postponed until later in the meeting.

27. **EXECUTIVE DIRECTOR'S REPORT**

- A. Administrative Matters.
- B. Case Management.
 - (1) Status of Protests.
 - (2) Status of Petitions.
 - (3) Status of Appeals.
 - (4) Matters Resolved.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

This matter was postponed until later in the meeting.

28. **UPDATE ON THE SUCCESS OF THE BOARD'S 2007 CALIFORNIA STATE**

EMPLOYEES CHARITABLE CAMPAIGN (CSECC)

This matter was postponed until later in the meeting.

29. APPOINTMENT OF DAVID C. LIZÁRRAGA TO A BOARD COMMITTEE, BY ALAN SKOBIN, BOARD PRESIDENT

Mr. Skobin moved this matter to the next meeting because he has not had a chance to confer with Mr. Lizárraga.

30. SELECTION OF BOARD MEETING DATES FOR THE REMAINDER OF 2008

The members were provided with a memorandum from Bill Brennan concerning upcoming Board meeting dates. The members went off the record for this discussion. Mr. Brennan announced the following meeting dates: October 16, 2008, General Meeting in Los Angeles, starting at 10:00 a.m.; November 20, 2008, General Meeting in Los Angeles, starting at 10:00 a.m.; and December 11, 2008, Special Meeting in Sacramento, starting at 9:30 a.m. Mr. Flesh requested that a memo of these dates be sent to all of the members.

20. BOARD FINANCIAL CONDITION REPORT FOR THE 2ND AND 3RD QUARTERS OF FISCAL YEAR 2007-2008 - FISCAL COMMITTEE

The members were provided with a memorandum from Bill Brennan, Dawn Kindel, and Linda Lighter concerning the Board financial condition report for the 2nd and 3rd quarters of fiscal year 2007-2008. Mr. Brennan reported that the Board has expended 69% of its appropriated budget for fiscal year 2007-2008. Mr. Brennan anticipates an 8% to 10% savings over the Board's budget at the end of the fiscal year.

21. REPORT ON STEPS THE BOARD IS TAKING TO REDUCE EXPENDITURES IN LIGHT OF GOVERNOR SCHWARZENEGGER'S EXECUTIVE ORDER S-01-08 - FISCAL COMMITTEE

The members were provided with a memorandum from Bill Brennan and Dawn Kindel concerning steps the Board is taking to reduce expenditures in light of Governor Arnold Schwarzenegger's Executive Order S-01-08. Mr. Brennan reported that the Governor's Executive Order requested that all operational funds be cut by 1.5 percent of its annualized budget. The order also implements a hiring freeze. Mr. Brennan indicated that the Board does not propose to hire anyone, so it is in compliance with the order. Furthermore, the Board is trying to be fiscally frugal even though it is not a General Fund organization; it is a Special Fund agency. Mr. Flesh stated that to the extent the Board is able to combine dates for future meetings or cancel some meetings to reduce costs; it should take the opportunity to do so.

22. STATUS REPORT CONCERNING THE BOARD'S COLLECTION OF THE ARBITRATION CERTIFICATION PROGRAMS' ANNUAL FEE - FISCAL COMMITTEE

The members were provided with a memorandum from Bill Brennan concerning the Board's collection of the Arbitration Certification Programs' Annual Fee. Mr. Brennan reported that the fee collection was completed. A total of \$1,033,000 was collected or \$.497 per vehicle.

24. **REPORT ON CASE MANAGEMENT SURVEY RESULTS - POLICY AND PROCEDURE COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Robin Parker concerning the case management survey results. Ms. Rigenbach reported that the parties that have completed the surveys have been happy with the Board's services; the cases are being efficiently handled. The following summarizes the surveys contained in the memorandum:

- Counsel for the parties found the Board's case management processes effective and efficient in resolving the protest dispute.
- Most attorneys do not reference the Board's website. However, those that did reference the website found it informative. This may be due to the small number of attorneys that regularly appear before the Board.
- The Board staff attorneys managing the protests are knowledgeable and assist in the expeditious resolution of the protest.
- More than half of those that responded participated in Mandatory Settlement Conferences and found them for the most part useful in the resolution of protests.
- About half of those that responded participated in telephonic hearings.
- A small percentage of protests actually proceed to a merits hearing with an average of 4-7 hearing days.

The surveys will continue to be disseminated through July 31, 2008. A final report summarizing the results will be presented at the October 16, 2008, General Meeting.

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 - (7) Assembly Bill 2976 (Assembly Member Keene)

- (8) Senate Bill 60 (Senator Cedillo)
- (9) Senate Bill 364 (Senator Simitian)
- (10) Senate Bill 1374 (Senator Battin)
- (11) Senate Bill 1377 (Senator Scott)
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- (13) Senate Bill 1494 (Senator McClintock)
- (14) U.S. House of Representatives Bill 1015 (U.S. Representative Capuano)
- (15) U.S. House of Representatives Bill 1029 (U.S. Representative Stearns) – “Damaged Vehicle Information Act”

- (16) U.S. House of Representatives Bill 1915 (U.S. Representative Castle) – “American Automobile Industry Promotion Act of 2007”
- (17) U.S. House of Representatives Bill 1920 (U.S. Representative Inslee) – “Health Care for Hybrids Act”
- (18) U.S. House of Representatives Bill 2513 (U.S. Representative Hall)
- (19) U.S. House of Representatives Bill 5312 (U.S. Representative Sanchez) – “Automobile Arbitration Fairness Act of 2008”
- (20) U.S. Senate Bill 545 (U.S. Senator Lott) – “Passenger Vehicle Loss Disclosure Act”
- (21) U.S. Senate Bill 767 (U.S. Senator Obama) – “Fuel Economy Reform Act”
- (22) U.S. Senate Bill 1055 (U.S. Senator Biden) – “American Automobile Industry Promotion Act of 2007”
- (23) U.S. Senate Bill 1151 (U.S. Senator Obama) – “Health Care for Hybrids Act”

The members were provided with a memorandum from Bill Brennan and Howard Weinberg updating them on pending legislation. Mr. Weinberg highlighted Assembly bill 1939 that proposed to increase the document preparation fees. This bill died in committee on June 17, 2008.

27. **EXECUTIVE DIRECTOR'S REPORT**

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- B. Case Management.
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- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

Mr. Brennan provided the members with a report on Administrative Matters that identified

all pending projects, the Board staff and committee assigned, estimated completion dates, and status. Mr. Brennan indicated that the second Administrative Law Judge Roundtable would be held on July 31, 2008. Training in dispute resolution and understanding a financial statement was scheduled. [Subsequent to the meeting, the Roundtable was canceled due to the budget crisis and Executive Order S-9-08]. Mr. Brennan reported on the steps taken by the staff to lessen the impact of the I-5 closure in light of the Governor's Executive Order S-4-08.

Ms. Riggensbach reported that since the materials were mailed to the members, no new protests have been filed and there are currently 20 protests pending.

Mr. Weinberg reported on judicial matters and indicated that notices of appeal were filed in the two *Nader Automotive Group* cases. In *Forty-Niner Sierra Resources*, a hearing on the writ was calendared for August 22, 2008. Subaru of America filed a motion to declare Mr. Wilmshurst (the dealer principal) and Forty-Niner Sierra Resources as vexatious litigants which is scheduled to be heard on July 18, 2008. In *Serpa Automotive Group*, Mr. Weinberg reported no activity. Lastly, the two *Ray Fladeboe Lincoln Mercury* cases were dismissed.

28. **UPDATE ON THE SUCCESS OF THE BOARD'S 2007 CALIFORNIA STATE EMPLOYEES CHARITABLE CAMPAIGN (CSECC)**

Polly Riggensbach reported on the success of the Board's 2007 California State Employees Charitable Campaign. Ms. Riggensbach indicated that the 2007 campaign resulted in the following four awards: the Red Show Award for a 20% increase over the previous year's contribution; the Platinum Award for 80% or more of employee participation – the Board had 100% participation; the Platinum Award for \$100 or more per capita gift by the employees, Board Members, and ALJs; and the Spirit Award which was awarded to Business, Transportation & Housing Agency of which the Board is part of for outstanding spirit and philanthropic support of the 2007 campaign. The Governor established a goal of \$10 million which was nearly a 30% increase over the previous year. Ms. Riggensbach reported a statewide increase of 18.17% over the previous year. The Board experienced a 95% increase and raised \$4,265.

31. **PUBLIC COMMENT (GOV. CODE § 11125.7)**

No additional public comment was presented.

32. **ADJOURNMENT**

Mr. Alvarez C. moved to adjourn the meeting. Mr. Lizárraga seconded the motion. The motion carried unanimously. With no further business to discuss, the meeting was adjourned at approximately 1:42 p.m.

Submitted by

WILLIAM G. BRENNAN
Executive Director

APPROVED: _____
Alan J. Skobin
President
New Motor Vehicle Board